

RECEIVED  
CENTRAL FAX CENTER

SEP 26 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard C. Smith and Diann Y. Smith  
Application No.: 10/769,158 Filing Date: January 29, 2004  
Examiner: Phylesha L. Dabney Group Art Unit: 2614  
Title: Ambidextrous Earpiece  
Docket No.: M-15596 US Confirmation No. 7774

Irvine, California  
September 26, 2007

Via Facsimile to (571) 273-8300

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1) Amendment (9 pages)

Dated: 9-26, 2007

Saundra L. Carr  
Saundra L. Carr

Number of pages (including this sheet): 10

MacPherson Kwok Chen & Heid LLP  
2033 Gateway Place, Ste. 400  
San Jose, CA 95110

Telephone: (949) 752-7040  
Fax: (408) 392-9262 and (949) 752-7049

LAW OFFICES OF  
MACPHERSON KWOK CHEN  
& HEID LLP

1762 TECHNOLOGY DRIVE  
SUITE 226  
SAN JOSE, CA 95110  
(949) 752-7040  
FAX (408) 392-9262

Fax to USPTO

**RECEIVED  
CENTRAL FAX CENTER**

M-15596 US

10/769,158

**SEP 26 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Richard C. Smith; Diann Y. Smith  
Title: Ambidextrous Earpiece  
Serial No.: 10/769,158 Filing Date: January 29, 2004  
Examiner: Phylesha L. Dabney Group Art Unit: 2614  
Docket No.: M-15596 US Confirmation No.: 7774

Irvine, California  
September 21, 2007

**Via Facsimile to (571) 273-8300**

Mail Stop AMD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

In response to the non-Final Office Action dated September 6, 2007, please  
amend the above-identified application as follows.